



The CTTT brochure 'What happens at the Tribunal?' must be read before completing this form.
 This brochure and other CTTT forms are available at www.cttt.nsw.gov.au or from CTTT Registries.

A copy of this application and any attached information will be provided to the other party.

1 (a). Is this dispute in relation to:

(Please tick the appropriate boxes)

New Motor Vehicle Used Motor Vehicles
 Motor Vehicle Repairs
 Other (please specify) _____

1 (b). Have you referred your complaint to any of the following places?

Motor Vehicle Repair Industry Authority (MVRIA)
 Office of Fair Trading
 Other (please specify) _____

2. Suburb or place where the motor vehicle was purchased or where the repairs or work was carried out in NSW.

 _____ NSW

What was the date of supply of the motor vehicle or date when repairs or work was carried out.

3. Your Name

(Your full name/s as shown on your purchase or service agreement)

Postal address for Notices

Daytime telephone: _____

 _____ NSW

4. Who is the application against?

(The respondent, person or company as shown on the purchase or service agreement)

If more than one respondent attach a separate list.

Respondent's postal address for Notices

Daytime telephone: _____

Refer to No. 9 of the Guidelines

 _____ NSW

5. Respondent's ACN (Australian Company Number)

If known, what is the motor dealer's / motor repairer's licence number ?

6. Is an interpreter needed? What language/s?

Other special needs?

For Applicant: _____
 For Respondent: _____

7. Are you aware if the respondent is an undischarged bankrupt or in liquidation?

Yes No

8. Is this application part of any other proceedings in another Court or Tribunal? If Yes, name the Court/Tribunal and the file number.

Yes No _____

9. List all Tribunal reference numbers

(For previous applications involving the same dispute)

10. If there are any exceptional circumstances

which would stop you from attending a hearing in the next 28 days, provide details

OFFICE USE ONLY:

File No: _____

Product Code: _____

Practice Code: _____

11. What order or orders do you want?

You must estimate a dollar amount for the order(s) you want.
Refer to No. 8 in the Guidelines for monetary limits.

| | |
|--|----|
| <input type="checkbox"/> An order to pay to me the amount of | \$ |
| <input type="checkbox"/> An order that I do not have to pay the amount of | \$ |
| <input type="checkbox"/> *An order to do work or provide services to the approximate value of | \$ |
| <input type="checkbox"/> *An order to fix or replace faulty motor vehicle or parts (approximate value) | \$ |
| <input type="checkbox"/> *An order to provide motor vehicle or services (approximate value) | \$ |
| <input type="checkbox"/> *An order for a refund and the goods to be returned | \$ |

* You must also specify the work or what the motor vehicle is or services are that you want provided or fixed.

| |
|--|
| |
| |
| |
| |

| | |
|-----------------------------|-----------|
| Total value of claim | \$ |
|-----------------------------|-----------|

12. What are your reasons for asking for the order/s?

This application will be forwarded to the other party. You must describe why you are seeking the order so that the other party can be prepared for the hearing. If you do not provide this information your application may be dismissed or adjourned. You may attach additional information to this form.

Describe briefly the vehicle, service or repairs, the nature of any defect and the date you discovered the defect, cost of repairs, etc.

| |
|--|
| |
| |
| |
| |
| |
| |
| |
| |

13. Date of sale of goods or supply of services

(Refer to No. 5 in the Guidelines)

14. Your Name(s) (please print)

| |
|--|
| |
|--|

Your Signature(s)

| |
|--|
| |
|--|

Your Position (if a company)

| |
|--|
| |
|--|

Date

| |
|--|
| |
|--|

Fee details: A fee must be paid with an application. Refer to the separate fee schedule. You may claim a concession and pay a fee of \$5.00 if you receive a Government pension, social security or education benefit, or hold a Seniors Card. If so, enclose a photocopy of your current pension or benefit card or Austudy advice. If this fee is payable and it is not paid, the application may be dismissed. Please make cheques payable to: Consumer, Trader and Tenancy Tribunal.

Return application with fee to: **Registrar, Consumer, Trader and Tenancy Tribunal**

| | | | |
|--|--|--|--|
| For all CTTT Registry Offices ☎ T: 1300 135 399 📠 F: 1300 135 247 🌐 www.cttt.nsw.gov.au | | | |
| Sydney Registry Level 12, 175 Castlereagh Street Sydney NSW 2000 GPO Box 4005, Sydney NSW 2001 | Hurstville Registry Level 3, 4-8 Woodville Street Hurstville NSW 2220 PO Box 148, Hurstville BC NSW 1481 | Liverpool Registry Level 3, 33 Moore Street Liverpool NSW 2170 PO Box 723, Liverpool BC NSW 1871 | Penrith Registry Ground Floor, 2-6 Station Street Penrith NSW 2750 PO Box 988, Penrith NSW 2751 |
| Newcastle Registry Level 1, 175 Scott Street Newcastle NSW 2300 PO Box 792, Newcastle NSW 2300 | Tamworth Registry Suite 3- 5, Kable Korner Complex Cnr Kable Ave & Darling St PO Box 1033, Tamworth NSW 2340 | Wollongong Registry Level 3, 43 Burelli Street Wollongong NSW 2500 PO Box 319, Wollongong NSW 2520 |  CTTT Consumer, Trader & Tenancy Tribunal |

Guidelines for completing an application in the Motor Vehicles Division

1 Place of Contract or Supply

The Tribunal can hear matters where the contract was entered into, goods supplied or services given in New South Wales. If the place of contract is not clear, you should seek legal advice.

2 Who can lodge an application?

Only a 'consumer' can lodge an application.

3 Are you a 'consumer'?

If a supplier has supplied or agreed to supply goods or services, whether under contract or not, **and** if you are one of the following, you can lodge an application as a consumer:

- a natural person, or
- a firm, or
- a small proprietary company, or
- an owners corporation constituted under the *Strata Schemes Management Act 1996*, or
- a company that owns an interest in land and has a memorandum or articles of association conferring on each owner of shares in the company a right to occupy under a lease or licence a part or parts of a building erected on the land, or
- an incorporated association, or
- an unincorporated body whose members are associated for a common purpose, or
- a company limited by guarantee (not being a company limited both by shares and by guarantee).

4 How are goods and services defined?

Goods means any tangible thing that is or may be the subject of trade or commerce, for example, a car or motorbike.

Services includes any rights, benefits, privileges or facilities that are, or are to be, provided, granted or conferred in trade and commerce, **but does not include:**

- rights or benefits being the supply of goods or the performance of work under a contract of employment.

5 Are there any time limits for lodging an application?

Yes. In most cases the time limit will be 3 years from the date the goods or services were supplied. However, there are some exceptions. It is important you include the following information with your application:

- The date the goods or services were supplied (or if made in instalments, when last supplied)
- The date you found out there was a problem with the goods or services.

6 Orders between respondents

If a claim is made against more than one respondent, for example the manufacturer and the retailer, the Tribunal may make orders that one respondent pay money to another or supply/return goods to another respondent.

7 What orders can I claim for?

You may claim for:

- the payment of a specified sum of money
- relief from paying a specified sum of money
- the delivery, supply, return, repair or replacement of specified goods or services
- a refund and the goods to be returned
- a combination of the above.

8 How much money can I claim?

The monetary limit is \$30,000 or less, unless the vehicle is new and substantially for private use, where there is no limit (Section 14 (3) of the *Consumer Claims Act 1998*).

9 Who is the party you are claiming against?

The Tribunal can only resolve disputes about sales between yourself and a dealer, **not private sales** (section 3 of the *Consumer Claims Act 1998*).

The **supplier** is defined as a person who in the course of carrying on a business, supplies goods or services. Therefore, the Tribunal cannot hear disputes arising from the private sale of a vehicle. The respondent must be a 'supplier' of a vehicle in the course of business. The supplier may be the direct supplier such as the retailer, or an indirect supplier such as the manufacturer or wholesaler.

The Tribunal can only make orders against a legal entity

However, often a contract or invoice will not stipulate the full registered name of the company or business and may only state the trading name, for example '*John Smith Plumbing*', and this is not a legal entity.

The most common legal entities are:

- A corporation, eg '*Kenram Pty Ltd*'
- A sole trader, eg '*John Smith trading as John Smith Plumbing*'
- A natural person/s, eg '*John Smith*' or '*John Smith and Mary Smith trading as John & Mary Smith Plumbing*'
- An owners corporation, eg '*Owners Corp Strata Plan 00001*'
- An incorporated association, eg '*Kenram Inc.*'

It is your obligation to identify the parties to an application and the address for service.

10 How can I do a 'legal entity' search?

A 'legal entity' search is also known as a business or company search. A recent company or business search will give the correct name and registered business address of the respondent. The Tribunal will serve copies of the application and all notices to this address.

Applicants may search on the ASIC National Names Index website www.asic.gov.au or contact the Office of Fair Trading on 13 32 20 for further information.

The legislation requires that you must provide this information. If you do not give the Tribunal the correct name for the respondent, the Tribunal will not be able to deal with your application.

Information for Non-English Speaking People

If you need interpreting or translating help, telephone the Translating and Interpreting Service (TIS) office in your state.

Telephone interpreting is available 24 hours a day, 7 days a week on 131 450.

The translation service operates during business hours.

ARABIC

إذا كنت بحاجة للمساعدة في الترجمة الشفهية أو الكتابية، اتصل بمكتب خدمة الترجمة الكتابية و الشفهية (TIS) في الولاية حيث تقم بتوافر الترجمة الشفهية على الهاتف 131450. 24 ساعة في اليوم 7 أيام في الأسبوع ساعات العمل للخدمات في الترجمة الكتابية خلال ساعات الدوام.

CHINESE

如果您需要口譯或筆譯服務，請打電話給您所在州的翻譯服務處（TIS）。電話口譯每週 7 天，每天 24 小時提供服務，電話號碼 13 1450。筆譯服務僅在辦公時間內提供。

CROATIAN

Ako su Vam potrebne usluge tumača ili prevoditelja, nazovite Službu za prevodjenje i tumačenje (TIS) u Vašoj državi. Telefonska prevodilačka služba stoji Vam na usluzi 24 četiri sata dnevno, 7 dana u tjednu ako nazovete 13 1450. Služba pismenog prevodenja na usluzi Vam je za vrijeme redovnog radnog vremena.

GREEK

Εάν χρειάζεστε εξυπηρέτηση από διερμηνέα ή μεταφραστή, τηλεφωνήστε στο γραφείο Μεταφραστών και Διερμηνέων (TIS) στην Πολιτεία σας. Η υπηρεσία διερμηνέων μέσω τηλεφώνου διατίθεται 24 ώρες την ημέρα, 7 μέρες την εβδομάδα στον αριθμό 13 1450. Η υπηρεσία μεταφραστών λειτουργεί κατά τις κανονικές ώρες εργασίας.

INDONESIAN

Sekiranya anda memerlukan bantuan penerjemah lisan (juru bahasa), silahkan menelepon Kantor di negara bagian anda. Pelayanan penerjemahan lisan melalui telepon tersedia selama 24 jam 7 hari seminggu pada nomor 13 1450. Pelayanan penerjemah bahan tertulis tersedia selama jam-jam kerja.

ITALIAN

Per ottenere l'aiuto di un interprete o di un traduttore telefona al servizio traduzioni e interpreti (TIS) nel tuo stato di residenza. Per avvalerti di un interprete puoi telefonare al numero 13 1450, 24 ore al giorno, 7 giorni la settimana. Il servizio traduzioni opera durante il normale orario di ufficio.

JAPANESE

通訳や翻訳のサービスが必要な方は、今いらっしゃる州の通訳、翻訳サービス(TIS)に連絡してください。電話通訳サービスは週日、週末を問わず、24時間いつでも利用できます。電話番号は13 14 50です。翻訳サービスはビジネス時間に受け付けています。

KOREAN

만약 당신이 통역이나 번역의 도움이 필요하시면 주정부의 「번역 및 통역 서비스」(TIS)기관에 전화하십시오. 전화번호 131 450으로 거시면 하루 24시간 주 7일 전화통역이 가능하며 번역서비스는 비즈니스 시간 동안 운영됩니다.

LAO

ຖ້າວ່າທ່ານຕ້ອງການຄວາມຊ່ວຍເຫຼືອເຮືອງມາຍພາສາ ຫຼືວ່າການແປທັງສີ່ໂທດສະໄຫຼ່ຫາຕ້ອງການບໍລິການມາຍພາສາແລະການແປທັງສີ່ (TIS) ຢູ່ຮັດຂອງທ່ານ ມາຍພາສາທາງໂທດສະໄຫຼ່ມີໄວ້ຮັບໃຊ້ 24 ຊົ່ວໂມງຕໍ່ມື້, 7 ມື້ຕໍ່ອາທິດຕາມເມໂບ 131 450 ບໍລິການແປທັງສີ່ເປີດຍາມໂມງເຮັດວຽກ

MACEDONIAN

Ako vi e potrebna pismena ili usmena prevodувачка помош, телефонирајте во канцеларијата за писмени и усмени преводувачки услуги (TIS) во вашата држава. Преводување преку телефон стои на располагање 24 часа во денот, седум дена во неделата на број 13 1450. Писмената преводувачка служба работи во нормално бизнисно работно време.

PORTUGUESE

Se necessita de ajuda para interpretação ou tradução, telefone ao escritório do Serviço de Intérpretes e Tradutores (TIS) no seu Estado. Pode obter um Intérprete pelo telefone 24 horas por dia, 7 dias por semana ligando para 13 1450. O serviço de traduções funciona durante as horas de expediente.

RUSSIAN

Если Вам требуются услуги устного или письменного переводчика, позвоните в Переводческую Службу (TIS) в нашем штате. Перевод по телефону предоставляется круглосуточно 7 дней в неделю по номеру 13 1450. Служба письменного перевода работает в обычные часы работы учреждений.

SERBIAN

Ako su Vam potrebne usmene ili pismene prevodilačke usluge, obratite se telefonom Službi za usmeno i pismeno prevodjenje (TIS) u svojoj državi. Telefonske prevodilačke usluge su na располагању 24 сата сваког дана на телефон 13 1450. Писмено преводјење се врши у току нормалног радног времена.

SPANISH

Si necesita asistencia en materia de interpretación o traducción sírvase llamar al Servicio de Traducción e Interpretación (TIS) en su estado. El servicio telefónico de interpretación opera las 24 horas del día, 7 días a la semana en el teléfono 13 1450. El servicio de traducción está abierto durante horas de oficina.

TURKISH

Yazılı veya sözlü çevirmenliğe gerek duyuyorsanız, eyaletinizdeki Yazılı ve Sözlü Çeviri Servisine (TIS e) telefon ediniz. Telefonda çeviri, günün 24 saatinde ve haftada 7 gün, 13 1450 numarada mevcuttur. Yazılı Çeviri Servisi çalışma saatleri içinde faaliyet gösterir.

VIETNAMESE

Nếu cần được giúp đỡ về thông ngôn và phiên dịch, xin điện thoại cho Sở Thông Ngôn và Phiên Dịch (TIS) tại Tiểu Bang của quý vị. Dịch vụ thông ngôn qua điện thoại phục vụ 24 giờ mỗi ngày, 7 ngày một tuần, điện thoại số 13 1450. Dịch vụ phiên dịch chỉ hoạt động trong giờ làm việc.